GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department – KAZIS ACT, 1880 (Central Act XII of 1880) – Tirupathi– Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District –Inquiry conducted – Show Cause Notice issued– Explanation submitted - Personal hearing provided - Examined the explanations - Action on merits and records available – Removal from the post of Government Kazi – Notification - Orders – Issued.

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MINORITIES WELFARE (IDM-I) DEPARTMENT

G.O.Ms.No.17 **Dated:07/02/2024**

Read the following:-

1. G.O.Ms No.110, M.W.(Waqf-I) Dept., Dated 25.04.2011.
2. From the Collector and District Magistrate, Tirupathi District Lr.Rc.D3.2436/2023, dt:27.10.2023.
3. Govt.Memo.No.2260511/IDM-I/2023, dated:15.12.2023.
4. Explanation received from Sri Syed Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District dt:03.01.2024.
5. Govt.Lr.No. 2260511/IDM-I/2023, dated:12.01.2024.
6. Further explanation received from Sri Syed Syfuddin Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District dt:24.01.2024.
7. From the Revenue Divisional Officer, Gudur, Lr.Rc.No.F.587/2023, dated:23.01.2024.

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O R D E R

In the GO first read above Government had appointed Sri Syed Syfuddin Khadari, S/o Mustafa Khadari R/o Venkatagiri town and Mandal, Sri Potti Sriramulu Nellore District as Government Kazi for Venkatagiri Mandal of Sri Potti Sriramulu Nellore District (erstwhile) to perform Marriages of Muslims under Section (2) of the Kazis Act, 1880.

2. In the reference 2nd read above the District Collector, Tirupati District has submitted Inquiry Report on the following allegations against Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupati District along with the report obtained from the Revenue Divisional Officer, Gudur:

Allegation No.1: That Sri Syed Syfuddin Khadari, s/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal is collecting unfair amounts of money from both the marriage parties ie, from Bride and Bridegroom side, for performing Muslim Marriages.

Allegation No.2: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal is performing Divorces in Khullah Manner (i.e., by simply obtaining Notary Affidavit from either or both the parties and also implementing "Triple Talaq".)

Allegation No.3: That Sri Syed Syfuddin Khadari, S/a Mustafa Khadari, Government Kazi, Venkatagiri Mandal is performing marriage for Minor Muslim Girls.

Allegation No.4: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal is behaving rude manner towards the needy approaching him for the required documents after performing marriage and speaking abusively and hurting their feelings.

Allegation No.5: That Sri Syed Syfuddin Khadari, s/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal, in the guise of Kazi, utilizing his high handed position in the Muslim community, ushering funds from the Donors by spreading fabricated facts like he is running a Madrasa.

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Allegation No.6: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal due to his provocative behavior and wits, he is disturbing the peace and harmony among the religious communities in the vicinity of Venkatagiri mandal, which may lead to communal riots in the near future.

Allegation No.7: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal, for Issuance of marriage certificate & related books, he is demanding huge amounts of money and also pestering the people approaching him for them.

3. Further the District Collector, Tirupati, has stated that all the allegations levelled against Sri Syed Syfuddin Khadari, S/e Mustafa Khadari, Government Kazi, Venkatagiri Mandal are proved and moreover, the Kazi himself had admitted all the offenses and irregularities made by him in the designation of Kazi. Finally, the District Collector, Tirupathi has stated that the present Kazi clearly violated the appointment conditions stipulated in Minorities Welfare (WAKF-1) Department, G.O.Ms.No.110, Dated 25.04.2011, by conducting Minor marriages and (Notary based Divorces) Which are offensive and requested the Government to take necessary action against Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal in order to protect the sanctity of the designation "KAZI" and also requested to necessary orders to Confiscate the Certificates and Books relating to Nikha (Marriages) available with him and handover them to the eligible persons, until a New Kazi is appointed.

4. In the reference third read above, Government has issued Show Cause Notice to Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District to show cause, as to why his services may not be removed as Government Kazi, for Venkatagiri Mandal, as per Section 2 of Kazis Act, 1880, as he was found guilty of mis-conduct in the execution of his office, for his unbecoming acts and for gratification, to the Government, within (15) days, from the date of receipt of this Memo, failing which, action will be initiated against the individual based on the merits and material available on records.

5. In the reference fourth read above, has submitted his further explanation and denied the allegations made against him though he has admitted the allegations before the enquiring authority.

6. In the reference fifth read above, the Revenue Divisional Officer, Gudur and Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District have requested to attend for personal hearing on 24.01.2024 at 11:00 AM before the Secretary to Government, Minorities Welfare Department with regard to allegations against Government Kazi for Venkatagiri Mandal, Tirupathi District. Accordingly, Sri CH. Murali Mohan Rao, SA, O/o. Sub- Collector, Gudur, Tirupathi District on behalf of the RDO, Gudur and Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District have attended the before the Secretary to Government, Minorities Welfare Department on 24.01.2024.

7. In the reference sixth read above, Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi for Venkatagiri Mandal, Tirupathi District has submitted his further explanation has denied the allegations made against him though he has admitted the allegations before the enquiring authority. He has submitted his explanation denying the allegations as follows:

> "…… I submit that all the allegations leveled against me is false. I do not know telugu and English Sri Sk. Rafl, Deputy Tahsildar recorded the statement and requested to put signatures on the statements recorded by him. He misused his power and position against me colluding political rival people by collecting huge amounts from them. I have not faced single complaint against me till July, 2023. While the matter stood thus some of the unregistered mosque members approached me in the month of June,

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2023 and asked me to perform marriage of minor Girl. I bluntly refused to perform the said marriage. I seriously warned him and requested not to entertain such things in future. But they threatened to remove me from the post of Kazi by hook or crook. All the above 7 allegations levelled against me before the District Collector, Tirupati and the District Collector, Tirupati directed inspector Auditor, Wakfs to enquire into the matter and submit his report. Since the report of the Inspector Auditor, Wakfs is not favour to them, they again approached the District Collector, Tirupati for enquiry. On the directions of the District Collector, Tirupati, the Revenue Divisional Officer, Gudur has conducted enquiry which was done by Sk. Rafi, Deputy Tahsildar and the enquiry is completely in one sided. It is submitted that the unregistered Mosque members have filed Caveat Petition against me before The Honourable High Court of A.P. to handcuff my legal rights before the Honourable High Court to achieve their political goal. Finally, I request the Honourable Secretary to Government sir to take all the above facts into consideration and do justice to me.

8. In the reference seventh read above, the Revenue Divisional Officer, Gudur, has submitted the following report stating that the entire enquiry was conducted in his presence and all the individuals were enquired personally and their statements were recorded individually before him and the were readout to all the individuals and consent signatures were received on the statements basing on the all the facts vide his report and corroborative evidences the detailed report were prepared and forwarded to the District Collector, Tirupathi for perusal and necessary course of action:

Allegation No.1: That Sri Syed Syfuddin Khadari, s/o Mustafa Khadari, Government Khan, Venkatagiri Mandal is collecting unfair amounts of money from both the marriage parties ie, from Bride and Bridegroom side, for performing Muslim Marriages.

Inference: During the enquiry, the allegation is being proved that Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal himself had also agreed the fact that he has done the mistake of demanding huge money from Bride and Bridegroom side, for performing Nikha(Marriage). Further the Kazi admitted that he has collected nearly Rs.4,000/- from the Bride's side and Rs.3,000/- from the Bridegroom's side for performing Nikha (marriage)

Allegation No.2: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal is performing Divorces in Khullah Manner (i.e., by simply obtaining Notary Affidavit from either or both the parties and also implementing "Triple Talaq".)

Inference: During the enquiry the allegation is being proved that Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government hazi, Venkatagiri Mandal, himself has also agreed to the fact that he had performed the act of nearly 8 Divorces/KHULLAH (Notary based Divorces) even though he is not having right to carry out such activities as Kazi.

In support of the allegation, the complainant has produced Documentary evidences, according to which, KHULLAH (Notary based Divorces) performed by Kazi between Sd. Mabasha & Sk. Mahaboob Jaan on 16:05 2022, in which he has issued Divorce for the couple, with in a time period of one year of their marriage.

Allegation No.3: That Sri Syed Syfuddin Khadari, S/a Mustafa Khadari, Government Kazi, Venkatagiri Mandal is performing marriage for Minor Muslim Girls.

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Inference: During the enquiry the allegation is being proved and Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal himself has also agreed the fact that he had performed the act of marriage involving minors if the concerned produces Advocate Notary

In support of the allegation, the complainant has produced Documentary evidences, according to which the marriages involving minors i.e, Shaik Dilshad & Shaik Shameena had been performed by the Kazi.

Allegation No.4: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal is behaving rude manner towards the needy approaching him for the required documents after performing marriage and speaking abusively and hurting their feelings.

Inference: During the enquiry the allegation is being proven and Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal, himself has also agreed the fact that he was rude and abusive towards few people (the complainants) who have approached him for various religious purposes.

Allegation No.5: That Sri Syed Syfuddin Khadari, s/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal, in the guise of Kazi, utilizing his high handed position in the Muslim community, ushering funds from the Donors by spreading fabricated facts like he is running a Madrasa.

Inference: During the enquiry the allegation that Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal was running MADRASA was not proven, no documentary evidence were produced in support of the allegation made.

Allegation No.6: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal due to his provocative behavior and wits, he is disturbing the peace and harmony among the religious communities in the vicinity of Venkatagiri mandal, which may lead to communal riots in the near future.

Inference: During the enquiry it is observed that Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal is provocative in nature particularly within the Muslim community itself, in order have domination over the community under the guise of "Kazi"

Allegation No.7: That Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal, for Issuance of marriage certificate & related books, he is demanding huge amounts of money and also pestering the people approaching him for them.

Inference: During the enquiry the allegation is being proven and Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal, himself has also agreed the fact that he was collecting Rs.1,000/- for issuing the certificates and books. He also agreed to the allegation that he spoken in a rude and abusive manner towards few people (the complainants) who have approached him for various religious purposes.

At this juncture, it is brought to the fore at during the time of passing judgment on 30.04.2011 in the Writ Appeal No.70 of 2011 filed before the Hon'ble High Court, Hyderabad, Andhra Pradesh between AP Sate between The A.P. State WAKF Board & Hafiz Syed Saleem Basha and others, it was clearly mentioned that " A glance at the provisions of the Act (KAZIS ACT 1880) leaves no room for doubt that appointment of a Kazi is not an employment and to put it precisely it is a simple empowerment to perform marriages."

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It is submitted that from the above facts discussed, it is clearly evident that:

- He is encouraging and performing Marriages involving Minor Girls in the Muslim Community, which is purely offensive.
- Coming to the act of KHULLAH(Notary based Divorces) even though this is not under purview of Kazi's, Sri Syed Syfuddin Khadari S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal has done 8 such divorces, which is completely acting against law and rules in force.
- Demanding of money for doing an act of performing Nikha(marriage)by a Kazi is highly objectionable.
- The individual is taking advantage of the designation "Kazi" and behaving in a very high handed manner.
- The individual's behaviour is instilling fear and un-harmony, leading to a pouring outcry from the Muslim community of the Venkatagiri Town and vicinity over the atrocities done by Sri.Syed Syfuddin Khadari S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal over the period of time since his appointment as Kazi of Venkatagiri.
- Apart from performing marriages by collecting abnormal amounts from the both parties involved, he is troubling them monetarily and also mentally in issuance of the Marriage Books (certifying the Marriage). which the Kazi will be receiving from State WAKF Board through paying nominal fee.

It is finally submitted that all most all the allegation levelled against Sri Syed Syfuddin Khadari S/o Mustafa Khadari, Government Kazi, Venkatagiri Mandal are proved and more over the Kazi himself had admitted all the offenses and irregularities made by him in the designation of Kazi.

9. After careful examination of the reports of the District Collector, SPSR Nellore vide references 2nd read above and report of the Revenue Divisional Officer, Gudur, vide the reference 7th read above, and after examination of the explanation submitted by Sri Syed Syfuddin Khadari S/o Mustafa Khadari, Kazi vide references 4th and 6th read above, Government hereby removes Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, from the duties of Government Kazi for Venkatagiri Mandal, Tirupathi District in exercise of powers conferred under Section 2 of Kazis Act, 1880, with immediate effect.

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10. The following Notification shall be published in the next issue of Andhra Pradesh State Gazette:-

NOTIFICATION

"In exercise of the powers conferred under Section-2 of the Kazi's Act, 1880 (Central Act XII of 1880), the Government of Andhra Pradesh, hereby remove Sri Syed Syfuddin Khadari, S/o Mustafa Khadari, from the duties of Government Kazi for Venkatagiri Mandal, Tirupathi District in exercise of powers conferred under Section 2 of Kazis Act, 1880, with immediate effect.

11. The Chief Executive Officer, A.P. State Waqf Board, Vijayawada / the District Collector, Tirupathi District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A MD IMTIAZ
SECRETARY TO GOVERNMENT

To
Sri Syed Syfuddin Khadari, S/o Mustafa Khadari,
Venkatagiri Mandal, Tirupathi District
(through Collector and District Magistrate, Tirupathi District)
The Collector and District Magistrate, Tirupathi District.

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The Chief Executive Officer, A.P. State Waqf Board, Vijayawada.
(with a direction to collect the marriage booklets issued if any, from Syed Syfuddin Khadari, S/o Mustafa Khadari, Venkatagiri Mandal, Tirupathi District).
The Commissioner, Printing, Stationery and Stores Purchase, Andhra Pradesh, Muthyalampadu, Vijayawada.
(for publication in the Andhra Pradesh Gazette.)
(And to furnish 10 copies)
Copy to:
The District Minorities Welfare Officer, Tirupathi District.
P.S. to Hon'ble Deputy Chief Minister (M.W.), A.P.Secretairat, Velagapudi,
OSD to Secretary to Government, Minorities Welfare Department, A.P. Secretariat, Velagapudi.
Sc/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER